

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAXON MORTGAGE SERVICES, INC.,)	
AS SERVICER FOR JP MORGAN)	
CHASE BANK, AS TRUSTEE AND)	
CUSTODIAN,)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO: 07-11932
U.S. BANK, N.A., AS TRUSTEE, NEW)	
CENTURY HOME EQUITY LOAN)	
TRUST, SERIES 2000-NCB,)	
INTERNAL REVENUE SERVICE,)	
BANK OF AMERICA, N.A., RICHARD)	
FEDERICO, JR.,)	
Defendants.)	

**PLAINTIFF AND DEFENDANT-IN-COUNTERCLAIM
SAXON MORTGAGE SERVICES, INC.'S MOTION FOR SUMMARY
JUDGMENT
ON COUNTRYWIDE HOME LOANS, INC.'S AMENDED
COUNTERCLAIM**

Plaintiff and Defendant-in-Counterclaim, Saxon Mortgage Services, Inc. as servicer for JP Morgan Chase Bank, as Trustee and Custodian ("Saxon") move this court for summary judgment on the Amended Counterclaim of Countrywide Home Loans, Inc. ("Countrywide"). As grounds, Saxon submits the attached Memorandum, the affidavits of John Cottrell and Christopher J. DeCosta and the exhibits attached thereto. Saxon further states that there is no material issue of fact to be determined, and the undisputed material facts establish that Saxon is entitled to a judgment as a matter of law on Countrywide's counterclaim.

Countrywide's attempt to rewrite a mortgage executed and recorded over 9 years ago, of which its predecessor was on constructive notice of when it recorded

Countrywide's mortgage, has no basis in law or fact. The sheer paucity of supporting facts and the passage of time bars any damages action arising out of the 1999 mortgage. Furthermore, Countrywide is not entitled to equitable relief because it did not exercise reasonable diligence before it recorded its mortgage, and because Saxon and innocent non-parties will be prejudiced if Countrywide is granted the relief it requests.

WHEREFORE, Saxon respectfully requests that the Court enter judgment in its favor and against Countrywide on the Counterclaim, and enter an order dismissing said counterclaim.

Respectfully submitted,

**SAXON MORTGAGE SERVICES,
INC., as servicer for JPMorgan Chase
Bank as Trustee and Custodian**

By its attorneys,

/s/ Christopher J. DeCosta
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Dated: October 10, 2008

CERTIFICATE OF SERVICE

I, Christopher J. DeCosta, attorney for Plaintiff Saxon Mortgage Services, Inc., as Servicer for JP Morgan Chase Bank as Trustee and Custodian hereby certify that I have on this 10th day of October 2008 served a copy of the foregoing Motion for Summary Judgment via ECF and mailing a copy of same, postage prepaid, or electronic filing to the following:

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/s/ Christopher J. DeCosta

Christopher J. DeCosta